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Attorneys for Plaintiff/Counterdefendant  
THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA,

Plaintiff,

v.

MICRO THERAPEUTICS, INC., a Delaware corporation, DENDRON GmbH, a German corporation, and ev3 INC., a Delaware corporation,

Defendants,

MICRO THERAPEUTICS, INC., a Delaware corporation, and DENDRON GmbH, a German corporation,

Third Party Plaintiffs,

v.

BOSTON SCIENTIFIC CORPORATION, a Delaware corporation, and TARGET THERAPEUTICS, INC., a Delaware corporation,

Third Party Defendants

Case No. C 03 05669 JW (RS)

**JOINT STIPULATION AND [Proposed] ORDER TO MOVE TECHNICAL EXPERT REBUTTAL AND REPLY DEADLINES**

**[Civ. L. R. 6-2, 7-12]**

Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiff and Counterdefendant The Regents of the University of California ("The Regents"), Defendants and Third Party Plaintiffs Micro Therapeutics, Inc., Dendron GmbH and ev3 Inc. (collectively "MTI"), and Third Party Defendants Boston Scientific Corporation and Target Therapeutics, Inc. (collectively "Boston Scientific") hereby stipulate and jointly request the following modification to expert deadlines.

The proposed schedule advances by one day the deadline for rebuttal and reply reports by the parties' technical experts, specifically Dr. Gary Nesbit, M.D., for The Regents, and Mr. Mark Ritchart, on behalf of MTI. All other expert deadlines, including the deadline to complete expert discovery, remain in place. The reason for the one day extension was to accommodate a scheduling conflict with The Regents' technical expert. *See* accompanying Declaration of Patrick Premo filed in support of this stipulation ("Premo Decl.") ¶ 2. The Regents has already served Dr. Nesbit's rebuttal report on June 12, 2007. The parties have agreed that Mr. Ritchart's reply report can be served on **June 26, 2007**, rather than the original date of June 25, 2007, to ensure that MTI has the full two-week period to respond. (*Id.*)

The Court and parties have made limited adjustments to fact and expert discovery in stipulations or orders filed on June 27, 2006 (Dkt. 344), January 12, 2007 (Dkt. 385), March 29, 2007 (Dkt. 532), May 1, 2007 (Dkt. 622), and May 10, 2007 (Dkt. 636). The proposed modification will not impact hearing dates for scheduled motions for summary judgment, will not alter any other expert or pretrial deadlines, and will not move the trial date, which is currently set for October 16, 2007. (Premo Decl. ¶ 3.)

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1 Dated: June 14, 2007

By: /s/ Patrick E. Premo

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6 Dated: June 14, 2007

By: /s/ Michelle Umberger

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MICRO THERAPEUTICS, INC. and DENDRON GMBH

10 Dated: June 14, 2007

By: /s/ Patrick Thompson

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BOSTON SCIENTIFIC and TARGET THERAPEUTICS,  
INC.

15 **ORDER**

17 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

19 Dated: June 19, 2007

  
The Honorable James Ware  
United States District Judge

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